(Reserve)

App. F. IX-4

1935. (SA)

File No. 308-34

Serial Nos. 8, 4, 5

Previous References

SA 40-25 (2,5,6,7,8,9,12+13)
" 158-30 (3,4,5,6,8,10,11,12,13)
" 42-18 (1-6)

Letter References.

" 11-17, 1-7, 9-18)
" 376-07 (6-6)
" 305-36 (1-2)
" 66-40 (1-4, 5(a), 6A-12
" 95-33 (3,4,5)
" 129-31 (3-6)

L-R — Laiá Returns
SA. 162-37-2.
~~SP 8-42~~
SP. 8-42 (1-4)
SP. 1 46 (1-2)
S.P. 3-46 (1-2)
SP 9-53 (1-4

GENERAL AND REVENUE SECRETARIAT.

Dep 2/8/35
" Dep 1/8/36.
SA No 1/37
SA 3 No 1/37
SA 194-38 (3/4)
SP 6-41 (1-4)

Serial Nos.

Part B for Dec 35

SUBJECT.

Claim of certain members of the Belagutpa Pallegar family for Continuance of pension of the deceased Jagavarasa of the family

SLA

Note 4510 · 8 4 12.35

WD 03607—GPB—22,500—2-8-35

To the Comptroller

Sanctions the Continuance in the name of Ranga Apparajayya the eldest surviving member of the family with effect from 22-11-1935

sfr

Belagutti Parkegar family pension

General and Revenue Secretariat

G.A. File No. 305 of 1934

[App. F. III-2

Serial No.

Petition from Rangappavarajayya, Mariyappa-rajayya and others of the Belagutti Palegar family praying that the pension of Rs 63-8-0 of Jagamavva which was ordered to lapse to Govt. in G.O. dt 26th Feb 32 may be continued in the name of the former for the benefit of the family —

1) A brief history of the Case is as follows.

2) On the death of Dasappa Naik, the original Karanikar his pension devolved upon one Mariyappa-rajayya who bore the relationship of Son-in-law or nephew to the Deceased. The Descendants of mariyappa-rajayya enjoyed the pension in question till August 1930 when on the death of the last holder Jagamavva the pension in question was ordered to lapse to Govt in G.O. M 6729/80A 1929-31-4 dt 26th Feb 32

Flag T

3) The petitioners Rangappavarajayya and others contend that the pension of Rs 63-8-10 sanctioned to Jagamavva was enjoyed by all the 5 members of the family and that the legality or otherwise of the grant to Mariyappavarajayya Son-in-law or nephew of the said Dasappa Naik Cannot be questioned now as his descendants have established a right to the pension by enjoying it for nearly a Century. So far as the office records go the Proms of transfer of the pension from ~~the~~ ~~petitioners~~ Dasappa Naik to his Son-in-law ~~Dasappa~~ Mariyappavarajayya is said to be Dasappa's absence-forfeiture owing to absence without leave Vide

NOTE—Contn. Sheet.

~~Khazana Bakshis dated~~ para 4 of Khazana Bakshis letter no 4 dt 16.6.87. The Hon first member has ~~observed that~~ in his note dt 17.2.22 observed "that the transfer of the pension to Maniappa Rajayya cannot be considered to have been in order as he was only the son-in-law of Dasappa Naik". The pension in question has been ordered to lapse to Govt in G.O. no Rl 672a/Spl.Rs-31-4 dt 26.2.22 after fully considering all the aspects of the case.

Orders for Orders with reference.

Hag P.

Hag V.

Hag T

1. The Belaguthi pallepat was a very old one, which was usurped by Sivappa Naik of Nagar and restored on a diminished scale by Hyder Ali Khan Bahadur. The pallegar was very unjustly treated by Tippu Sultan, though the details of the treatment cannot be made out from the records available at present here. He accordingly espoused the cause of the British, aided them against Tippu and was in retaliation, hanged by Tippu Sultan.

vide Hag P.

2. After the fall of Seringapatam, the three surviving minors of the Belaguthi family, were granted in 1806 and 1809, three pensions of 11-4-4 Rs, 11-4-4 Rs and 27-1-10 Rs.

3. For an easy comprehension of what

Belagutti ~~[illegible]~~ palegar/pension

2

3

Serial No.

Flag A

~~what~~ follows, reference is invited to the Genealogical ~~tree~~ marked with Slip A. It is seen therefrom that the founder of this family was one Rajarshi Linmarayer, who must have been in point of time considerably anterior to Hyder Ali. Linmarayer had 4 sons of whom, the 1st Venkatappa Naik alone is important for us. whether the other three brothers of his died young or were issueless cannot be definitely made out. Venkatappa Naik had ~~four~~ five sons and of these the first three viz (1) Bolay Linmappa Naik (Rs 27-1-10) Dasappa (Rs 11-4-8) and Rangappa Naik (Rs 11-4-8) were in enjoyment of the pensions conferred on them, as noted against them in ( ) brackets. These are the pensions alluded to in para 2 of my note above and were conferred by Dewan Purnaiya between 1806-1809.

8) 4 On the third brother Rangappa Naik, dying in 1814, presumably without heirs his younger pension was transferred to his next brother Srirangappa Naik and on his death in 1827, presumably also without heirs to his next younger brother Balaramappa Naik. So the transfer of pensions to another brother on the failure of direct heirs in the line of the grantee was in vogue even then.

9) 5 These five brothers had a

NOTE—Contn. Sheet.

Sister Lakshmamavanni who had two Sons Mariyappa and Timmappa, who later on come into the picture.

6 On the death of Balaramappa Naik, his pension was transferred to Puttaswamiya, the younger of the two Sons of his eldest brother Bokay Timmappa Naik, the elder Son of whom Venkata Rayer by name enjoyed the pension of his father.

7. Dasappa, the 2nd original grantee, having been deprived of his pension, owing to his having gone away without leave his pension, was transferred to Mariyappa mentioned in para 5 supra; this Mariyappa or Mariyappa rajayya, was the nephew of Dasappa and is said to have been, as he well might be, the son-in-law also of Dasappa.

8. We have thus traced the pensions from the original grantees to the days of their Sons. The pension granted to Bokay Timmappa Naik, original grantee no1, descended to his 1st + Son ~~(illegible)~~ Venkata Rayer, who died in 1840, thence to the latter's Son Achyuta Rao who died in 1845 and to + Achyuta Rao's Son Venkatar Raya. We are not further concerned with the fortunes of this line and may leave them here.

9. The pension granted to Rangappa Naik, the 3rd original grantee, went, as nar-

Belagutti Pallegar family pension

45

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rated in Para 4 to Balaramappa Naik and as narrated in para 6 to Puttaswamaiya. The genealogical tree (A) shows that when last heard of, it was being enjoyed by Puttaswamaiya's son Gopala Rayer or Gopalaswami. And here, we may leave the fate of the 3rd pension.

14) 10. The bone of contention, the 2nd pension, descended, as we have seen in para 7 to Mariyappa Rajayya, who had a brother Tirukappa. Mariyappa had three sons, Krishnappa, Taganappa and Sirangappa. Krishnappa, though the eldest was suffering from some obscure, but incurable malady and was declared incompetent to succeed to the pension, which therefore went to the 2nd son Taganappa, who bequeathed it to his son, Thimmappayya, whose wife Taganavva enjoyed it till her death, after which, the present claim to it has arisen. The present claimant to the vacant pension is the eldest son (Rangappa Rajaiya) of the eldest son (Nagappaiya) of Tirukappa, the brother of Mariyapparajaiya.

15) 11. Rangappa Rajaiya's claims were investigated in S & A file 1929-31 Slo 3 to 4 and were negatived and the pension enjoyed by Taganavva ordered to lapse to Govt., because

NOTE—Contn. Sheet.

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General and Revenue Secretariat

(1) Taganavva died without issue, which resulted in the extinction of the direct line of Nariappa rajaiya, and (2) Rangappa rajaiya's ancestors were not enjoying any portion of this pension, and that a mere Statement by Some of the members of the petitioner's family that they were all undivided, was not Sufficient to create for them a right in the said pension. (Pl Secy's note dated 13-2-1932). To these was added a further reason, viz (3) that the transfer of the pension to Mariyappa rajaiya himself was not in order, as he was only the Son-in-law of Dasappa. (1st Member's Minute of 17.2.32)

Hag V.

Hag V

12. Not one of these reasons can be considered sufficiently correct. At the very commencement of the pension, when a brother died issueless, the pension did not escheat to Govt., but passed to the next surviving brother. That is how Bularamappa Naik got the pension, after the extinction of the line respectively of Rangappa Naik and Sirangappa Naik, and when Balaramappa Naik's line itself was extinguished, the pension did not lapse, but was awarded to the second son of his eldest brother. Similarly even when government deprived Dasappa of his pension, they did not resume it, but gave it to his Sister's Son, recognising as heir, issue from the female Side, while his two nephews (elder brother's Sons) were living, Simply because, they wanted

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the pallegar line to continue in decent circu
stances and to this end the nephews on the
male side, who already had pensions had to be
neglected. Thus while from the beginning, there
have been, as was but natural, occasional ex-
tinction of one branch or other, it is seen that
never before 1932, was such an extinction mad
an excuse for the lapse of the pension + and for its not being en-
joyed by the surviving branch. There have been adduced,
no reasons, why the doctrine of lapse should
have been adopted so late as 1932, for the firs
time, in dealing with the fortunes of this famil

17) 13. The second argument that Rangapp
Rajaiya's ancestors were not enjoying any por
tion of the pension standing in Jaganavva's na
is + fairly correct as a statement of fact. But the infere
drawn from it, that therefore they are not en-
titled to it is contrary to facts. In each of the
cases of transfer cited in para 12 above, the
succeeding grantees, were never in actual holding
of any portion of the pension, while the actual
pensioners were alive, and yet that did not
debar the succeeding grantees to succeed to it
as soon as the extinction of the actual pension
ers' lines ensued.

18) 14. Again, it is correct to say that a mere
statement by some of the petitioner's family that
all the members of the whole family were undi-
vided, was not sufficient to create for them a ri

NOTE—Contn. Sheet.

to the said pension. But it is again contrary to facts, if we assume, that even if it is shown by credible evidence that the family had all along conducted themselves as an undivided family, even then, one branch would have no right to succeed to an extinct pension accruing to them. As to what this credible evidence is, we have to go to old records. On 20.2.1887, Thimmappa Rajaiya, husband of Jogavva, applying for the pension valant, consequent on his father's death, applies not only by himself, but along with several other relatives to the Khazana Bakshi, and in the course of the petition they say "we have all been an undivided family from the beginning, and shall remain so in future. On 19-3-1898, four separate representatives of the family have given statements in the form of answers to questions put to them, by the Khazana Bakshi and they say in more than one place therein, that "the descendants of all the three branches are living as an undivided family and sharing the pension". On 31.12.1861 the Khazana Bakshi reported to the Secretary to the Commissioner that "the (then) claimants say that they are all living as an undivided family". Many more instances to the same effect may be quoted from the old records. It is thus seen that the claim to be an undivided family, all sharing the pension was not advanced for the first time now, by the

Flag O.

Flag W

Flag X

Serial No.

petitioner, but is found to be recognised by Govt. So long back as 1861. A Statement of such an age, proved by records in the possession of Govt ment itself, should surely be entitled to credence and should be allowed to govern the disposal of vacant pensions in the same manner as before

15. The last argument mentioned in Para 11 above is now to be considered. It is said the the transfer of the pension to Mariapparajaiya himself was not in order. Why it is not, is not stated. But it is Government that sanctioned the transfer, in 1820. After over a century from that date, it is not fair that Government should now say that what they did 135 years ago was wrong and propose to rectify it, by mulcting innocent people. From 1820 to 1868 Government gave this Mariappa rajaiya various additions also to his pension. On each occasion his claims must have been scrutinised and found valid. Surely it will not do to suggest that Government continued to err from 1820 to 1868, for close on ½ a century, and that the mistake was found out only in 1932. What the mistake is, has not been pointed out and cannot be made out. It may even be argued that if government created and suffered to the existence of rights, from 1820, owing to a wrong interpretation, they cannot override the prescriptive rights of over a century, and set it

NOTE—Contn. Sheet.

Bangalore Jathegar family, pension.

9

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right now, incidentally to the disadvantage of persons, who had no hand either in the 1st or the 2nd Government order.

16. These pensions are solely governed by the orders of Government issued from time to time. They have never been referred to Civil Courts. (vide extract from office note and opinion of Secretary to Govt + dated 14-1-1898) Thus no legal opinion is necessary in this case. The century old custom, followed all along, under Dewan Purnaiya, His Highness Krishnaraja Wodeyar III, the British Commission, and the succeeding Governments, may also now be followed and the claim of the petitioner to the vacant pension of Jaganarova recognised, for the benefit of the whole of the surviving members of this family.

Annexure 5 Flag L

17 As the records of more than a century had to be discussed, this note has become very long, which I regret.

Dewan) 22/4/35.

DEWAN'S OFFICE 22 APR 1935 235

Please put up again after Mr. Secy has seen + noted upon it.

24-4-35

H Secy) 25-4-35

Please put up a Statement, showing Serial number

Belagutti family Pallegar Pension. (11

General and Revenue Secretariat | File No. 459/H of 193 . | [App. F. III—2

Serial No.

name of the pallegar family, amount of pension originally sanctioned to it, date of sanction, when reduced, by how much reduced, for what reasons when restored, by how much restored, for what reasons and general remarks. As many pallegar families as possible should find a place in the Statement.

26/4/35

26) A Statement is prepared and put up accordingly. Please see flag I.

ver 15/5

27) As the registers etc are maintained regularly in the State Treasury Dy, the Dy. Offices may be requested to furnish the required information. This is suggested with a view to verify the Statement put up here with that so that there may be no difference or mistake between them two

WW 15/5

28) This may be done, if approved.

29) Ye Seay) 15/5/35

30) Get it Ents

24/5

24/5/35

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

4391
FL

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

Extract from the Belagutti Pollegar Family pension File - Prayer of B.P. Rangarajaiyya and others for the continuance of the family pension of Rs,63-8-0 of Jaganavva in the name of the petitioner.

--:0:--

x x x x

32 Please put up a statement, showing serial number, name of the Pollegar family, amount of pension originally sanctioned to it, date of sanction, when reduced, by how much reduced, for what reasons, when restored, by how much restored, for what reasons and general remarks. As many pollegar families as possible should find a place in the statement.

Intd. M.S.
26-4-35.

33 A statement is prepared and put up accordingly.

34 As the registers etc.; are maintained regularly in the State Huzur Treasury, the Treasury Officer may be requested to furnish the required information. This is suggested with a view to verify the statement put up here with that so that there may be no difference or mistake between the two.

K.V.
15-5-35.

35 This may be done if approved.

36 Financial Secretary)
Intd.M.S.
15-5-35

37 Get it early.
Intd. S.S.
24-5-35.

38 Forwarded with compliments to the State Huzur Treasury Officer for furnishing the required information.

By order
for Financial Secretary

Officer in Charge,
State Huzur Treasury
27.5.35.

FINANCIAL SECRETARY'S GENL. & REVENUE SECTT. -1 JUNE 1935

FINANCIAL SECRETARY 31 MAY No.

W.O. FL 290
27/5/35

NOTE—Contn. Sheet.

The list of pensioners who are drawing their family pensions is herewith sent as desired.

Delagutti family Pattegar pension

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Subject referred to para 30 supra., with the list furnished by the State Huzur Treasury Officer. The list does not give the information required in the note of 26.6.35. It is for orders if this may be referred again to the Treasury Office for furnishing the particulars required in that note

If approved, this will be again referred to the State Huzur Treasury officer, for the information being furnished, according to the details set out in para 25 above. The present does not completely give that information.

7-6-35.

8/6/35

8/6/35

Forwarded with compliments to the State Huzur Treasury Officer for furnishing the details set out in para 25 of the note of 26.6.35.

By order

for Financial Secretary.

Belagutti family Pattegar Pension 44

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

44 The statement that has been prepared in the Financial Secretariat was compared with the pattegar Pension Payment Register, & the list of pattegar Pensioners maintained in the State Huzur Treasury. Except that some families are omitted in the list, the other particulars shown in the list tally. A list of families so omitted has been got prepared & enclosed.

45 As far as the information available in the Treasury goes, there are no instances in which pattegar family pensions have been <u>resumed</u>, and then restored for sufficient reasons. Hence a list of such cases has not been put up.

J. Venkatagangaya
Asst. Huz. Treasury Officer
21.6.35.

(cd
Fin. Secy)

FINANCIAL BRANCH
24 JUN 1935
GENL & REVL. SECTT.

46 A list, that is and can only be illustrative and not exhaustive has been put up. Kind reference is also invited to the last para of the State Huzur Treasury officer's note dated 21-6-35 above, and to the 1st Sentence in para 16 of my note dated 22/4/35.

47 The general conclusion reached is that enunciated by the S.H.T.O. above. Where there has been a lapse, generally the whole amount has lapsed; where there has been a grant, equally generally, it has been

NOTE—Contn. Sheet.

of the whole amount. But the discretion of Government, either to grant in full or lapse in full, argues, ipso facto, the power to grant or withhold in part. A

(4) Such an order therefore, depends on the circumstances of each case. Why in this particular case, the pension should be granted rather than refused, has been set out by me, in full, in my note dated 22/4/35.

(5) The list and certain rules (not exhaustive) pertaining to these pensions as also certain opinions operating as obiter dicta, are appended. Equally authoritative opinions to the contrary, can however be found in the old cases, in the case of the Anegondi family pension, for instance.

(6) For orders.

H Seey) 1.7.35.

There is much force in what the Asst Secretary, Finance, has written in paras 5 to 9 of the note in this file. But as I submitted at A above in the Asst Secy's note, the grant of such pensions & their lapse is in the discretion of Govt. The Question has been considered at great length by Sir B. Srinivasa Iyengar and Sir M.N. Krishna Rao and it has been found fit to lapse the pensions to Govt. SOA file-30-13. Discussion on the merits of the case in extenso and also in the notes why the decision to lapse

Flag H

List of Pallegar Pensioners whose names are omitted in the list received from Government

No	Family	Pallegar's Name	Amount of monthly Stipend			G.O. Sanctioning the Stipend.
10	Bagalur	B. J. Kanna Swamy Raju	15	14	4	Fl no 6627 - Sand ⅞ 22-6-33-2
11	"	Kanna Swamy Raju	4	-	-	Fl 2148 Std 51-32-4 & 20.10.32
12	"	Danjamuddammanni	11	14	2	Fl 2148 Std 51-32-4 & 18/20 .10.32
13	"	Krishna Swamy Naik	15	14	2	Fl 6320 Std 178-14-8 & 5.5.1915
14	"	A.K. Kammannamma	15	14	2	Fl 6320-1/Std 178-14-6 & 5.5.1915
51	Madenadagu	Kadirpathi Naik	31	12	1	Fl 1841-2-102 & 1-7-1885
52	Molakalmuru	D. Kesava Naik	42	3	-	Fl 1772.3 Std 171-10-2 & 30.9.1910
52	"	Ranjappa naik and Rangappa Naik	42	3	-	Fl 7988 Std 344-10.2 & 22/23 4-31
54	"	D. Kasturi Naik	84	6	-	G.O. no P.P 26-27 & 28.11.1899
55	"	R. Kalappa Naik	74	8	3	Fl 7324-780 & 24.12.1889 & Fl 1018 Std 611-11-4 & 31.8.1912
56	"	R. Bharamappa Naik	74	8	3	Fl 7324-780 & 24.12.1889 & Fl 1018 Std 611-11-4 & 31.8.1912
57	Rayadurga	Madda Swamy Naik	103	2	-	
58	"	R.P. Koneti Naik	29	4	5	G.O. 18-19 Std Fl 93-4 & 13/14 .9.1897 & Fl 1757 Std 498-30-4 & 10/11 9/31
59	"	Ranjumappa Naik	29	4	4	Fl 1787 Std 498-30-4 & 11.9.31
60	"	Ammanamma	14	8	-	Fl 995 - Std 49-32-2 & 16.8.32
	"	Ammanamma	14	8	-	Fl 5429 Std 94-28 & 19.1.29 & 995 Std 49.32-2 & 16 5/32
	"	P. R. Divakar Naik	18	12	-	Fl 1997-8 Std 128-06-2 & 7.9.1926

J. Venkatagangaya
Sd. Hnr. No. 2196/35

663 P 35

4391

4

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has been arrived at.

50 Whether The Law Dept. may be consulted as to whether in the light of the considered decision, any equitable grounds exist to warrant a reconsideration of the question without touching upon the general principles hitherto followed in the grant of these pensions.

A.D.
30.7.35

54

asst. Secy, Law
with compliments

30/7/35

24
Law

R+S
pnl
30/7

55 I agree that it is not now right for Govt. to go into the question of the validity or otherwise of the transfer of Dasappa's pension to his sister's son Mariyappa Rajavu. This transfer took place in 1820 and has been acted upon for over a century. This case has therefore to be decided on the basis that the Mariyappa Rajavu was the lawful grantee of the pension in question. From him it descended to his son Jagannappa and then to Jagannappa's son Thimmappaiya. On Thimmappayya's death on 29-12-1907, it was registered in the name of his widow Jagannavva in pursuance of G.O of 30th June 1908 and there is nothing in this order to indicate that the pension so registered

Flag H.

NOTE—Contn. Sheet.

Belagutti family pattegar pension

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was not for the benefit of the family - In fact, in the petitions then presented (Please see S.A 374 07 - 6 to 10), it is stated that Thimmappaya's cousins were living with him jointly - It therefore follows that though these cousins may not have had a right to the pension in the hands of Thimmappaya, they were enjoying the benefit of the same -

(ii) The question whether the cousins and Thimmappaya were members of a joint family or not is immaterial for this case, because the pension is not admittedly joint family property, otherwise it would not have been registered in the name of the widow when there were other ~~coparcen~~ coparceners living. The only point is whether on the death of the widow, it has to be continued to the cousins ~~descendants~~ of Thimmappaya, who are undoubtedly ~~heirs~~ his heirs under the Hindu Law, being the grand-father's brother's grandsons. These people ~~to~~ belong to the same family as the last male holder and in similar circumstances in the Belagutti family, the pension has been continued to the cousins - Please see for instance, the G.O. No: 5618 dated 9.1.35 in S & A File 305-34 (1-2) - I find, however

Belagutti family pattegar pension

19

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from the files placed below that there are other cases of pattegar pensions in which in somewhat similar circumstances, the pension has been ordered to be lapsed to Govt. Under the law as it stands, it is of course left entirely to the discretion of Govt to regulate such matters but I think it is high time that some reasonable rules are framed to indicate the policy of Govt in such cases.

2

57 (Sir Secy) 30/9/35

58 For orders. (H Secy). 30/9/35

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

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59 Paras 5 to 15 of the notes in the file contain a history of the Belagutti Pollegar Family pension. On the death of Thimmapparajiah in December 1907, the pension of Rs.63-8-10 a month allowed to the deceased was sanctioned to his widow Jaganavva in G.O. No.Fl.6814-5/S. & A.374-07-7 dated 30th June 1908. Jaganavva died on 13th August 1930, leaving no heirs behind her. In December 1931, the State Huzur Treasury Officer recommended that the above pension might be transferred to one Mr. Rangapparajiah, a senior member of the family of Thimmapparajiah (cousin brother), on the ground that all the members of this family had been living together from the time of their grandfathers Mariapparajiah and Thimmapparajiah and they were all agreeable to the vacant pension being registered in the name of Rangapparajiah, the eldest surviving member of the family. Government however, in their order No. Fl.6729/S. & A. 129-31-4 dated 24th February 1932 directed that as the last holder had left no issue, the pension should lapse. The following are the reasons for allowing the pension to lapse:

(i) The pension under disposal was originally granted to one Basappa Naik and its transfer to his son-in-law Mariapparajiah was not in order.

(2) The continuance of the pension to Jaganavva was not according to the terms of its grant for the benefit

NOTE—Contn Sheet.

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of the family and Jaganavva had no direct heirs.

(3) Rangapparajiah's (present claimant's) ancestors were not enjoying any portion of the pension and that a mere statement by some of the members of the petitioner's family that they were all undivided was not sufficient to create for them a right in the said pension.

(a) These points have been dealt with in detail in paras 16 to 19 of the notes in the file S.A.129-31.

(b) The members of the above family have urged for re-consideration of the Government Order of 1932 on the ground that the pension was all along being intended for the benefit of the uncle family, and have requested that the above pension may be sanctioned in favour of Rangapparajiah, the eldest surviving member of the family. This petition is the subject of this file.

(c) It has been recognised that Government have full discretion either to grant or withhold the pallegar pension.

(d) In the following cases, pension was allowed to lapse for reasons given against each:

(1) S. & A.11-17-18. Chickballapur family. The last holder (a widow) died without any direct heirs, and it was ordered by the Chief Commissioner that the pension granted to the last holder should lapse to Govt., the claims of all collaterals being ignored.

(2) S. & A.40-25-13. Chitaldrug family. The last holder

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(ladies) died without any direct heirs and the claimants who were already in receipt of such pensions were only distant relations of the family.

Z (3) S. & A.100-27-6. Chitaldrug family. The pension in question was sanctioned to two ladies for their maintenance and as a life grant and they have left no issue, and the claimants to this pension were all in receipt of similar pensions and were reported to be only distant relations of the deceased pensioners.

M (4) S. & A.158-30-13- Manjarabad family: In the absence of lineal heirs in the male line to the last male holder, the pension conferred on his mother should lapse on her death.

B (5) S. & A. 61-30-3. Hagalvadi family: These are stipends specifically annexed to certain ancient families and are only intended for the personal benefit of ~~section~~ beings of these families in the true sense of the term and it would not be right to allow them to oe diverted for the benefit of other families.

(b) In the following cases, pension was allowed to continue:

N (1) S. & A.64-10-12. Anegundi family: The pension allowed to one Chowdamma who died without leaving any direct heirs, was divided among four members of the family by His Highness' direction.

✓

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

(2) S. & A. 384-13-2 Tarikere family: A portion of the pension allowed to a member was on her death granted to another member who was drawing the remaining portion of the pension. 7

(3) S. & A. 59-19-7. Kanjarabad family: The pension drawn by a lady was after her death without any heirs sanctioned to the nephew of the deceased pensioner's husband. K

(4) S. & A.95-33-5. Chitaldrug family: The pension allowed to a widow was after death without any heirs, sanctioned to anotner memoer of the family who was drawing a portion of the pension. (First lapsed and restored on reconsideration of furtner petition). J

(5) S. & A. ~~42-18-2~~ 305-34-2. Belagatti family: The pension drawn by a male member was after his death sanctioned to the cousin of the deceased. Q

(6) S. & A.42-18-~~10~~11-10. Recommended by the Comptroller for lapse but ordered to continue after discussion in Council. D

From the above notes, it is clear that there are precedents both for the lapsing of pension and for the continuance of the pension.

The present petition for the revival of the pension of Rs63-8-~~0~~10 ordered to be lapsed in 1932, is for orders. The point for consideration is whether the original

Serial No.

order should stand or whether the question may be reconsidered in the light of precedents and of circumstances explained by the petitioner. In the latter case, whether the pension should be on the original scale or on a reduced scale, and from what date it should be given (whether from the day after the date of death ~~+~~ 14th August 1930 ~~+~~ of the last holder or from the date of the order sanctioning the pension) have also to be considered.

2
13-11-35

67 H Secy) 13/11/35

68 This is practically an appeal against the Govt order of 24.2.32 declining to grant the pension. The facts are Summarised above. The matter is of Vital importance to the petitioners & a number of people were living on this pension. If the Dewan approves the other Members of Govt may also ~~be requested to~~ give their opinion and the case may be regarded as Council matter

69 Dewan) 13/11.
13/11/35

70 By all means.
14-11-35
15/11/35.

71 Chief Secy)

C.S. circulate
16/11

3064

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

C 118

S/A File No. 305 of 1934 General and Revenue Secretariat

72 The reasons given in Mr L.O of 26th Feby 1932 for deciding that the pension should lapse cannot be said to be adequate. The fact that it is rather late in the day to question the propriety of the transfer of the pension to Manappareppil which was sanctioned more than a century back. And in there is no support for the view that the grant to Jagannatha was not for the benefit of the family. On the other hand, it would appear that although the pension was registered in the name of the person, all the members of the family enjoyed the benefit of it. This would appear to be a fit case in which the claims of Mr Collatoral, may properly be considered

RM 15/11/35

73 I agree. This case is very much similar to item No 5 viz the pension to Belagatti family where the pension was given to a Cousin of the last male holder. Though there are no direct heirs, there are cousins reported to be living together & on equitable grounds the pension may be continued

317

74 Fin. Secy, with compts, after circulation

21-11-35

Serial No.

75) Reference is invited to the opinions recorded (on the previous page) by both the Members of Council and the case is submitted to the Dewan for orders.

D E W A N).

21/11

21/11/35

D... OFFICE
22 NOV. 1935
No. 3314

76) I agree, Sir,

22-11-35

or

25/11/35.

77) Submitted with a draft G.O. for approval and the date from which the pension should take effect is for orders. In a similar case the pension was ordered to take effect from the date of sanction - Vide flag J. Encl to the petition is also put up.

78) The question now is whether the pension should be paid from the date of death of Jaganarva or from the date of the order. From the minutes of the members above, it may perhaps be inferred that if the pension had to be awarded to the present claimant, on Jaganarva's death, then,

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

it has to be given from the date it was been withheld. On the other hand, it may be held that sufficient concession has been shown to the party in granting him the pension and that such a large amount as over Rs 4000/- need not be paid to him in a lump for back periods.

7q For orders as to which date should be adopted.

SO H Seey) 28/11/35.

81 From the date of the order —

30/11

Issue
30/11/35

No H 4810 dt 4.12.35.

To the Comptroller Mysore.

Credit Rs 63-8-0 the vacant stipend of Rs 63-8-0 lapsed by death in accounts be registered and continued in the name of Ranganna retired with effect from 22.11.35

Please refer all the previous correspondence on the subject

Endorsement no H 4811 dt 4.12.35 To the Range Officer, Tumkur

Information and action as above

for Dy Secy

~~For Disposal by Circulation.~~ No. C. 118

87 1935-6

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Claim of certain members of the Belagutti Pallegar Family, Honnali Taluk, for continuance of pension.

Circulated to the Members of Council.

By Order,

16th November 1935.

Chief Secretary to Government.

3371/1611

First Member of Council.

Opinion recorded
RM 18/12/35

Second Member of Council.

3769
F&U

Serial No	The Name of the family	Name of the Pensioner	Monthly Rate			Authority & Sanction.
1	Avegondi	P. yogaraj Urs.	47	10	8	G.O No. H 74-52/S.A 289-27-2 Dt 8-3-28 Rs 47-10-8 per month
2	Avegondi	A. Ramaraj Urs	48	11	7	G.O H 6404/S.A 177-31-2 Dt 3/4-2-1932 Rs 48-11-7 per month Rs 10-2-7 is to be deposited being the Pension of Subbammat Nachamma
3	Avegondi	Kaveramma	15	14	2	G.O. H 132-SA 75-24-2 Dt 8-7-25 Rs 15-14-2 per month
4	—do—	Varadraju (Minor) Venkata ramanaraju.	24	5	10	G.O No 4980 SA 98-22-4 Dt 25-4-23 G.O H. No. 6687 S.A 72-26-4 Dt 18-2-27 Rs 24-5-10 per month
5	—do—	Krishnamma W/o dec'd Narashimiah.	24	5	10	G.O H 3816 S.A A 20-28-4 Dt 22-1-28
6	—do—	Narayanaraju.	24	11	8	G.O H. 4022-35.A 36-15-6 Dt 22-1-16 24-5-10 per month.
7	—do—	Narshimma Devaraju	24	10	10	G.O. 6660-1 S.A. 633-07-2 Dt 22-6-1908. G.O 4937-8 STA 64-10-4 Dt 16-5-12. 24-10-10. "
8	—do—	Muddappa Naik alias Ramappa Naik.	25	6	10	G.O. H. 5542-3 STA 64-10-6 Dt 11-5-11 G.O H 4937-8 STA 64-10-6 Dt 64-10-6 16-5-1912. Rs 24-0-9- G.O No. 4437-8 P.P. 26 Dt 22-9-1902 Rs 25-6-10 per month.
9	Anekal	Veerachikka Rayee	29 5 222	2 6	6 10	G.O No 1876 STA 42-19 Dt 14-8-19 Rs 222-6-10 "
10	Bagalur	Kumara Krishnaraju	15	14	4	G.O No. H. 6627/STA 226-33-2 Rs 15-14-4 per month
11	—do—	Kamaadamy Raju	4	-	-	G.O. H. 2148 STA 57-32-4 Dt 20-10-32 Rs 4-00 per months.
12	—do—	Nanjundammanni	11	14	2	G.O. H 2148 STA 57-32-4 Dt 18/20 the Octo 1932, 11-14-2 per month.
13	—do—	B. J. Krishnaswamy Naik	15	14	2	G.O No H 6320/STA 178-14-8 Dt 5-5-1915 Rs 15-14-2 per month.

14	do	13. J. Akkammanniamma	15	14	2		15-14-2 per months.
15	Belagutti	Puttaswamy Rayaw Kadappa Raj (Father deceased)	63	8	10	G.O No H 5618 Dt 63-8-10.	178-14-6
16	do	Sri Rangarayam	76	4	1	G.O. No P.P. 124-5 Dt 8-2-1904 Rs 76-4-1 per months.	G.Y. 305-34-2. Dt 9-1-35.
17	Chikkaballapur	Parvatamma manni.	139 / 101	11 / 4	11 / -	G.O. H 898/S.A.53.21 Dt 8-12-1922 Rs 101-4-0 per months.	
18	do	Seshamma	33	12	-	G.O. No H 5869/65-18-4 Dt 25-6-1919 Rs 33-12-0 per month	
19	do	Venkatanarayanaswamy	158	14	6	G.O. No 6995-699 Dt 13-12-1887 Rs 158-14-6 per months. Rs 6 Dis deducted for Davas at Nandi Hills -	
20	do	Narayanaswamy (Minor) thro. Guardian Savitramma	63	8	10	G.O. H 6475-6 STA 101-23-2 Dt 19-5-26	63-8-10 per months.
21	Chitaldrug	Thimma Naik	357 / 63	7 / 8	4 / 11	G.O. No. 7608-9 STA 142-08-15 Dt 21-5-1909 Rs 63-8-11 per months.	357-7-4
22	do	Neelamma Nagali	63	8	10	GO. No H 7150 STA 100-27-5 Dt 27-2-28 Rs 63-8-10	
23	do	Veeramadakeri Naik	47	10	7	G.O. No P.P. 6-621-92 Dt 27-7-1896 Rs 47-10-7 per months.	
24	do	Thayammaji	56	5	7	G.O. No H 3710-11 STA 47-26-3 Dt 12-11-1926 Rs 56-5-7 per month	
25	do	B. Madakeri Naik	101	-	10	G.O No 4900-1 STA 77-09-8 Dt 6-1-1910 Rs 101-0-10 per months.	
26	do	P. Krishnaswamy Naik	31	12	6	G.O H 18-9 STA Dt 3-7-1911 257-12-0 Dt 3-7-1911 Rs 31-12-6 per months.	
27	do	K. Bharamamma Naik	31	12	4	G.O. No. H 6141 STA 95-33-10 Dt 22-3-34 Rs 31-12-4 per months.	
28	do	Mallamma Nagati	31	12	4	GO. H 4757-G.Y. 46-14-5 Dt 22-3-1919 Rs 31-12-4	do
29	do	Veeramadakeri Naik Thro Guardian	31	12	4	GO. No. 7905/STA 111-30 Dt 17-4-31 Rs 31-12-4 per months.	
30	do	Ramappa Naik.	63	8	10	G.O. 11597-98 P.P 50 Dt 11-6-1902 G.O 442 STA 95-33-4 Dt 31/84 }	Rs 63-8-10 per months
31	do	Hanumanthappa Naik	15	14	-	G.O. No. 18 P+A 10 of 1893 Dt 5-10-1893	Rs 15-14-0 per months.

Officer in Charge,
State Huzur Treasury.

Serial No.	The Name of the family	Name of the Pensioner	Monthly Rate			Authority of Sanction
32	Chikaladevaq	Nanjappa Naik	538	11	1	G.O. No 18-STA 10 of 93 of 15-10-1893 Rs 15-14-1 per month.
			15	14	1	
33.	Devanahalli.	Venkatie Gowda	31	12	1	G.O. No. H 3831-STA 45-18 of 6th Feb 1919. 31-12-1 per month.
34	Gudikoli	Kesavamma Nayatti	139	13	—	G.O. No. 5333-4 P.P. 29 of 3rd Oct 1902, 139-13-0 per month
35.	Gummanayakana palya	Narasimha Naik	572	4	—	G.O. H. 5951 STA 220-30-2 of 28-1-1931
36.	Hagalvedi	Parvathammaji	80	-	-	G.O. N.H. 3885. STA. 57-18-15 of 10-2-1919. Rs 80.00 per month
37.	Manjanabad	Krishnappa Naik	127	1	10.	G.O. No. 28 PTA. of 1894 of 22.6.1895. Rs 127-1-10 per month.
38	—do—	Krishnappa Naik Gwardian Gowramma	6	-	-	H. 2139 STA. 224-29-60 d 13/6 the Sep 1930. Rs 6 per month.
39	—do—	Lakshmamma	6	-	-	G.O. 5068/STA 19-28 dt 10 1-1929. Rs 6.00 per month.
40.	—do—	Venkatadie Naik.	8	-	-	G.O. No H 1648 STA 135-28-2 of 2/3 Sept 1929 8-00 per month.
41	—do—	Gopalaswamy Naik	17	4	4	G.O. No. H 2422-3/STA 31-24-3 of ~~31-24-3~~ 7th Nov 1924. Rs 17-4-4 per month.
42	—do—	Venkatachi Naik	17	4	3	G.O No. H 2422-3/STA 31-24-3 dt 7-11-24. 17-4-3 per month.
43	—do—	M. P. Narasimha Naik	24	1	-	G.O. No. H 128 STA 158-30-9 d 8-7-1931. 24-1-0 per month
44	—do—	Ramaswamy Naik.	26	0	11	G.O. No. H 128 STA 158-30-9. of 8th July 1931. 26-0-11 per

45		Uthuramma.	26	0	11	G.O.No. H 128-30-9 dt 8 th July 1931. 26-0-11 per mensem.
46	—do—	Chengamma.	2	0	0	G.O.No. H/128 STA 138-30-9 dt 8.7.1931. Rs 2-0-0 per mensem
47	—do—	Krishnarayammanavaru	24	—	—	G.O.No. H 1275-6 STA 50-32-2 dt 31-8-32 24-00 per mensem
48	—do—	Gopalakrishnaswamy Naik	43	3	5	G.O.No. H 127-5-6 STA 50-32-2 dt 31-8-32. 43-3-5 per mensem
49	—do—	D.M. Narasimha Naik	43	3	5	G.O No. H/1275-6 STA 50-32-2 Dt 31-8-32. 43-3-5 per mensem.
50	—do—	M. Venkataramanaswamy Naik	43	3	5	G.O No. H 1275-6 STA 50-32-2 Dt 31-8-32. 43-3-5 per mensem
			413	7	6	
51	Muddemadugu	Kadripathi Naik.	31	12	1	G.O. No. 1841-2-102 dt 18th July 1885 31-12-1 per mensem.
52	Molakalmuru	N. Keshava Naik.	42	3	—	G.O. No. H 1772-3 STA. 171-10-2 dt 30-9-1910. Rs 42-3-0 per m
53	—do—	Nanjappa Naik. + Rangappa Naik.	42	3	—	G.O.No. 7988/STA 344-30-2 dt 22/23-4-31. Rs 42-3-0 P.M.
54	—do—	Kasturi Naik	84	6	—	G.O No. P.P. 96-27 dt 28th Nov 1899. Rs 84-6-0 P.M.
55	—do—	R. Kalappa Naik (Rangappa Naik permitted to draw as k. of blind	74	8	3	G.O No. 7324-786 dt 24th Dec 1888. G.O No. H. 1018 STA 611-4-4 dt 31-8-1912. 74-8-3 P.M.
56	—do—	R. Bharamappa Naik.	74	8	3	G.O.No. 7324-780 dt 24th Dec 1888 G.O. H. 1018 STA 611-4-4 dt 31-8-1912. 74-8-3. P.M.
			51	12	1	
57	Rayadurga.	Muddulswamy Naik.	103	2	—	——
58	—do—	R. T. Konchi Naik.	29	4	5	G.O.No. 18-19 STA. H 93-4 dt 13/14th Sep 1897. G.O No H 1757/STA 498-30-4 dt 10/11 Sep 1931. 29-4-5. P.M.
59	—do—	Narayandappa Naik minor thro Guardian Muddanaiyamma	29	4	4	G.O.No. H 1757/STA 498-30-4 dt 11.9.31 Rs. 29-4-4. P.M.
60	—do—	Annamanamma.	14	8	—	G.O. 5429 STA 96-28 d 19-1-29 adding Rs 2-8-0.
61	—do—	Annamanamma	14	8	—	G.O. 995 STA 49-32-2 d 16-8-32
62	~~Tarikere~~ —do—	P.R. Dwarakanath Naik.	18	12	—	G.O 5429 STA 96-28 d 19-1-29: G.O. 995 STA 49-32-2 dated 16-8-32 adding 2-8-0.
63	Tarikere	Sarja Hanumappa Naik	253	2	—	G.O 1797-8 STA 128-56-2 dt 7-9-1916 Rs 18-12-0 P.M.
64	Tarikere	Sarja Rangappa Naik	98	7	—	G.O No. H 4072 STA 43-18-2 dt 20-2-1919. Income tax 3-15-3 Net 249-2-9
~~65~~						G.O. No. H 367-70 STA 285-10-11 d 22-2-1911. Rs 98-7-0 P.M.

Officer in Charge.
30/5/ State Huzur Treasury.

Name of the Pattegar family	Date of Sanction	Amount as it Stood on the 31st March 1860	General Increase in 1860 at 50%	General increase at 25% date in Dec 1861
5 Sanikere				
Krishnappa Naik	8th Sept 1802	90-0-0	135-0-0	168-12
Emmadi Channappa Naik	8th Sept 1812	35-0-0	52-8-0	65-10
Raghunatha Naik	June 1807	13-9-0	20-5-6	25-10
6 Hagalavadi				
Jogappa	July 1805	79-1-5	118-10-1	148-12
Channabasappa	May 1811	17-8-0	26-4-0	32-15
7 Achitadurg family				
1 Dodda Madakari Naik	May 1802	135-9-0 90-6-4	203-6-0	105-0
2. Katappa Naik	Nov 1828	22-9-7	169-7-9	63-3
3. Vira Madakari Naik	-do-	22-9-7	33-14-4	84-6
4. Bhairava Naik	-do-	22-9-7	33-14-4	137-10
5. Jampanna Naik	-do-	22-9-7	33-14-4	31-4
6. Chikkamadakari Naik	Feb 1808	11-4-8	16-15-0	42-2
7- Ramappa Naik	Dec 1808	11-4-8	16-15-0	21-1
8- Hanumappa Naik	-do-			
8 Belagutti family				
Rangappa Naik	Oct 1806	22-9-7	33-14-4	
Dasappa Naik	Sept 1809	22-9-7	33-14-4	
Bole Thimmappa Naik	June 1802	27-1-10	40-10-9	

General increase at 50% in 1893.	Amount as it stood on 1924	Amount as it stands at present	
253-2-0	253-2-0		The Vacant Stipend of Hanumamma Nagathi of his family - was continued to Pattabhiramaswamy Naick, deceased husband's brother's son Vide-Fl 623-4 & 10-8-24 Flag 7
98-7-0	98-7-0		
351-9-0	351-9-0		

Flag 13.

222-2-10	80-0-0		N.B. It has been ordered in R.O. & 11/15 March 32 that the pension of Rs 160/- remains vacant by the demise of Jagannaharaja and the Stipend of Rs 30/- granted to Devammaji should lapse to Govt
	160-0-0		
	30-0-0		
	Rs 270-0-0		

72-9-4	86-12-8		N.B. The pension of Rs 60-0-4 enjoyed by Eswaramma Nagathi was ordered to lapse to Govt in the absence of legal heirs in the male line vide Fl No 744 & 26-7-28. Flag Z for the same reasons the pensions of Hanumamma Nagathi and Chikk Satyamma Nagathi were ordered to lapse to Govt- Fl 9240 & 12.6.28 Flag e
47-13-0	60-0-4		
60-0-4	60-0-4		
60-0-4	60-0-4		
38-4-0	63-8-11		
127-1-9	63-8-10		
56-5-9	47-10-7		
56-5-7	56-5-9		
56-5-7	56-5-7		
101-0-10	56-5-7		
31-12-6	101-0-10		
31-12-4	31-12-6		
31-12-4	31-12-4		
63-8-10	31-12-4		The pension of Rs 31-12-5 enjoyed by the late Ranganna Nagathi lapses after the demise - Continues to Ramappa Naick nephew of the deceased pensioners husband — Fl 8 47 & 24-4-20 Flag g
15-14-1	31-12-5		
15-14-0	31-12-5		
10-9-4	15-14-0		
47-10-7	15-14-1		
Rs 956-8-10	932-9-2		

63-8-10	63-8-10		The pension of Rs 63-8-10 enjoyed by Jagannamma was lapsed to Govt - Flag T. This pension is now being claimed by the petitioner -
63-8-10	63-8-10		
76-4-1	76-4-1		
203-5-9	203-8-9		In the same family the pension of Rs 63-8-10 drawn by Pattabhiramayya was continued to a cousin the deceased Fl 5810 & 9-10-30 Flag Q

This pension is now being claimed by the petitioner Rangarajayya

Name of the Pallegar family with (original incumbent)	Date of sanction	Amount as it stood on 15th March 1860	General increase in 1860 at 50%	General increase at 25% Dec in 1864
Anegoriòi family				
1. Chennama Raju	August 1809	22-9-8	33-14-0	42-5-11
2. Dodda Raju	"	13-9-0	20-5-6	25-6-0
3. Narasimha Raju	"	13-9-0	20-5-6	25-6-10
4. Chinnama Raju	"	13-9-0	20-5-6	25-6-1
5. Dharma Raju	Feb 1831	11-4-8	16-15-9	21-2-
6. Yoganandaiya	August 1809	9-0-8	13-9-0	16-15-
7. Peddappa Naik	"	9-0-8	13-9-0	16-15-
Arekal				
1. Chikkaraya	Sept 1815	79-1-5	118-10-9	148-4-7
Chikballapura				
Chinnappaiya	March 1809	75-0-0	112-8-0	203-6-2
Narain Swami	"	48-16-7	73-5-6	91-4-3
Narain Swami	Nov 1816	56-8-0	84-12-0	105-15-0
Krishna Swami	August 1812	22-9-7	33-4-0	42-5-1
Manjarabad				
1. Venkatesh Naik	Sept 1808	86-3-2	123-10-3	102-6-
2. Doddakrishnappa Naik	"	83-4-9	113-10-3	20
3. Dalvai Tirumalaiya	Jan 1843			26
4. Rama Swami	"			84
5. Linga raiya	1809	6-12-0	10-2-0	11
				25
				12

Special increase at 50 p.c. in 1893	Amount as it stood ~~Record increase~~ on 1924	Amount as it stands at present	General Remarks — (32)
63-8-10	63-8-10.		In the Anegondi Pattegar family the Pattegar pension of Rs 38-2-3 enjoyed by the late Chandamma was divided among all the members so as to equalise the pension drawn by different branches — Vide no H 4937-8 & 16.5.12. Flag N.
38-2-3	48-11-7		
38-2-3	24-5-10		
38-2-3	24-5-10		
31-12-1	24-10-10		
25-6-10	24-0-9		
	25-6-10.		
Rs 235-2-6	Rs 235-2-6		
222-6-10	222-6-10.		N.B. In this family the pension of Rs 222-6-10 was on the death of A.K. Kajanchmanni registered in the name of Veera Chikrayar, the eldest son of Chikrayar — the adopted son of the late A.K. Kajammanni H 1176 & 14.8.1919 — Flag D.
152-8-7	101-4-0		The pension of Rs 101-4-0 sanctioned to one Peroo Kiammanni was ordered to lapse to Govt. in accordance with the Chief Commissioner's ~~the extension of legal heirs~~ ~~rescind~~ notification of 12th May 1868 until the ~~succession of the~~ pension should lapse to Govt. ~~or become~~. H 8879 & 8th June 1920 Flag E
152-8-7	33-12-0.		
158-14-6	158-14-6		
101-4-0	68-8-10		
63-8-10			
33-12-0.			
662-8-0	357-7-4		
153-10-4	127-1-10		Annamanaikma's pension of Rs 18-15-9 was on the death ordered to lapse in the absence of legal heirs — H 6725 & 26.2.32 Flag H
39-1-6	6-0-0		
39-1-4	6-0-0		
127-1-10	12-0-0		
18-15-9	34-8-7		
12-0-0	153-10-4		
12-0-0	78-2-10		
84-8-7	18-15-9		
436-7-4	436-7-4		The pension of Rs 39-1-6 drawn by Bhaskaramma was continued to Bhikkala Venkamappa Naidu nephew of the deceased pensioner's husband H 7067 & 24.4.20 Flag A.

S.V.A. 305-34-3

39

1 APR 1935
4391
GENL. & REV.

Pet. No. 1746

OFFICE OF THE DEWAN OF MYSORE,

Bangalore, Dated 29. 3. 1935.

FINANCE
30 MAR. 35
No.

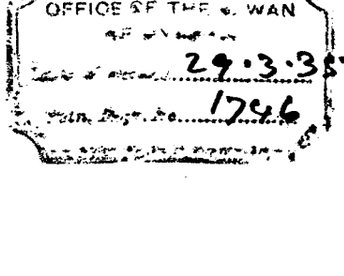
The accompanying petition addressed to the Dewan is forwarded, with compliments, to the Secretary to Government, Financial *Department,* for disposal.

By Order,

29/3

Private Secretary to the Dewan.

S&A. 305-34-3.



33

To

The Dewan Sahib of Mysore,

Bangalore.

The humble petition of (1) Rangappa Rajayya, (2) Mariyappa Rajayya and 38 others, members of the Belagutti Pollegar Family, Honnali Taluk, as shown in the geneological tree appended:-

****

1. The petitioners abovenamed beg to prefer this application praying that the Government Order No. F.6729-Sand.A.129-31-4 dated 24/26th February 1932 be set aside for the following -- reasons:-

1. The petitioners belong to the family of Belagutti Pollegars. In the early part of last century 1820, pension of Rs 11-4-6 was granted to one Mariyappa Rajayya, the head member of this family as a fresh grant out of the amount, which had lapsed to Government in the year 1908, on account of one Dasappa Naik - one of the recipients of the pension - having misbehaved and violated the orders of the Government. This Mariyappa-Rajayya bore the relationship of nephew or son-in-law to the said Dasappa Naik. Mariyappa-

Mariyapparajayya after enjoying the above pension for nearly 40 years died in 1861. He was succeeded by his son Jaganapparajayya who enjoyed the pension after him till 1887 and after his death Thimmarajayya enjoyed the pension till 1907 and after his death in 1907 his widow Gaganavva enjoyed the pension till her death in 1930. After her death the petitioners being the descendents of Thirukapparajayya, the younger - brother of the original Barawardar Mariyapparajayya applied to Government for the registry of the pension in the name of Rangapparajayya petitioner 1 the present eldest member of the family and all the members of the branch accorded their consent to this arrangement. An enquiry was held and the Khajana Bakshi was pleased to submit a report recommending that the vacant pension be registered in the name of Rangapparajayya the petitioner 1 as prayed for by all members of the family. Government passed the above order directing the pension to lapse to Government on two grounds viz., (1) that the transfer of the pension to Mariyapparajayya was not in order as he was the son-in-law of the last barawardar, (2) that the continuance of the pension to Jagadavva was not according to the terms of the grant for the benefit of the family and that he had left no male issue. The petitioners respectfully beg to submit that the pension granted to Mariyapparajayya was a fresh - grant altogether and not as surmised by Government a transfer of the pension to him as the son-in-law

son-in-law of Dasappa Naik. They submit that between the lapse of pension of Dasappa Naik and a fresh grant to Mariyapparajayya there was an interval of over 10 years and in the absence of any record to show that the grant of pension to Mariyapparajayya was made as son-in-law of Dasappa Naik, it is to be assumed that it was a fresh - grant made to him and after an interval of over a century the legality or otherwise of the grant cannot be questioned and decided to the prejudice of the petitioners. In this pention, the descendents of Mariyapparajappa and his brother's family have right established by reason of enjoyment for more than a century. The long course of conduct the enhancement of pension from time to time under various administrations the acceptance and registry of geneological trees from time to time are ample evidence to show that the Government recognised Mariyapparajayya and his family as being the heirs and rightful claimants to this pension. The importance of this fact cannot be lost sights of at this stage. The view that the continuance of pension to Jagadavva was not according to the terms of the grant for the benefit of the family is incorrect and opposed to facts, as borne out by the materials on record. Ever since the grant of the pension to Mariyapparajayya in 1820, the pension was being enjoyed by all the members of the family who lived and are still living together including those belonging to the other two branches thereof. The stipends were being put into the common coffers and spent for the benefit of all the members of the family. That the pension is of a hereditary nature and not personal is evident among other things from the fact that after Mariyapparajayya's death the pension was registered in the name of his son Jaganapparajayya and after him of his son Thimmapparajayya and after his death his widow Jagadavva. In the light of these facts, it is - clear that the pension is a family one and is hereditary in its character and ought not to lapse to Government as long as the petitioners and their family are surviving.

The petitioners respectfully beg to pray that the former decision of Government arrived at under a mistake of fact that Mariyapparajayya succeeded to Dasappa Naik's pension as his son-in-law may kindly be reconsidered ~~from~~ in the light of the submission that it was altogether a new grant of pension by His late

late Highness and recognised that the claims of applicants be recognised. It may also be brought to the kind notice of the Government that by this sudden lapse of pension to Government nearly 40 members of this family who were being supported out of this amount have been very unjustly deprived of their means of livelihood. Pollegar pensions are hereditary and cannot be made to terminate for the reasons set forth in the aoove Government Order.

Under these circumstances, the petitioners humoly pray that the pension of Rs 63-8-10 ordered to lapse may kindly be sanctioned to the name of Rangappa-rajayya for the benefit of the family with effect from the date of the death of Jaganavva.

B.P. Anatha Raja wo.

B.P. Jagannatha Raj

B.P. Ramaraj.

Head Barawardar.

Mariapparajiah. brother ... . Thirukapparajiah.

Jagannapparajiah.

Thirukapparajiah.

Jaganavva (wife of Thirukapparajiah) deceased in 1930.

1. Nagappaiah.

1.Rangappa-rajiah. Claimant

2. Thammanna-rajiah.

3. Lakshmannappa-rajiah. (wife Thirukavva)

1.Kaveeramma,
2.Subharajaurs,
3.Thungabhai,
4.Lalithabhai,
5.Visalaksha,
6.Seenappa,
7.Suseelabhai,
8.Nagesappa.

2. Subbarayaru. (wife Venkatalakshmavva.)

⊗ 1.Mariapparajiah,
2.Krishnapparajiah,
3.Basavarajiah,
4.Sreerangarahjiah,
5.Seshagiri Rao (deceased)

⊗

1.Mariapparajiah:- 1.Ramaraja Urs,
2.Achutharaj Urs,
3.Jaggannatharaj Urs.

2.Krishnapparajiah:- (wife Chandamma).
1.Seshagiriraj,
2.Dattarajurs,
3.Rind~~arajaurs~~,
4.Mariappa, 5.Balaramappa,
6.Gangabhai.

3.Basavarajiah:- (wife Gangamma)
1.Subbanna, 2.Anantharaj Urs,
3.Prahladha Rao, 4. Sundararaj,
5.Rathnabhai.

4.Sreerangarajiah:- (wife Venkavva)
1.Thimmarajiah, 2. Nagesappa,
3.Nanjundaraj, 4.Lilavathibai.

5. Seshagiri Rao deceased:- (wife Parvathi Bai)
1.Mahalakshamma.

G. R. S. App. F VI—G 2]

38

SUBJECT.....

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Diary No. of letter replied to.....

Pro draft

Section S4A.

File No. 305-34

Serial No. 4

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue..... 4/12 193 .

Hag T

Signed by..... M° Mg

Read—

C.O. No. H 6729/S&A 129-32 dt

28/26th Feb 32 Directing that the

pension of Rs 63-8-0 enjoyed by

Jagannavara of the Belagutti Pallegar

family Stands lapse to Govt.

2. Petition received on 29.3.

from Rangappharajiah and Other

Order thereon.—No members of the Belagutti

Pallegar family, praying for reasons

explained for a Re consideration

of his G.O. read above and requesting

that the Vacant Khas of Rs 63-8-0

may be Continued in the name of

of Rangappharajiah, Cousin brother

of Thimmappharajiah, Cousin

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, kannada part ?

37

Brother of Thimmappayajiah, husband
of the late Jagannayya
Grant.

4820

The previous records of the case show
that the pension under disposal was
originally granted to one Dasappa Nàik
(alias) Dasappa. He having been deprived
of his pension owing to his absence
without leave his pension was
transferred to Mariappa in 1820.
His Mariappa or Mariappayajiah
was the nephew of Dasappa and
is said to have been his son-in-law also.
On the death of Mariappayajiah
his pension devolved on his second
son, Jagannappayaju in preference
to the elder brother who was passed
over as being incapacitated for
by disease.

List of Enclosure

2. After the death of Jagannappayaju
the pension was granted to his son
Thimmappayajiah (alias) Thirukkappayajiah
and after him was continued on his demise to
his brother Jagannayya

Copied by

Examined by

Jagannayya having died

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

having partners without issue On 13th August 1930 the pension was ordered to lapse to Govt in the G.O. 8 26th Feb 32.

3. It will be seen thus ~~from the~~ above / that the transfer of pension took to marappaparajah referred to above took place in 1820 and has been acted upon for over a Century and the Validity or otherwise of the transfer cannot be questioned at this Distance of time. ~~And then~~ There is also no support for the view that the grant to Jaganaeva was not for the benefit of the family. On the Contrary it appears although the pension was registered in the name of one person, all the members of the family appear to have enjoyed the benefits ~~of it~~. It is also represented that though there are no direct heirs to the deceased Jaganaeva there are Cousins ~~related~~ said to be living together amicably

WD 0255—GPB—10,000—23-8-32

(11)

In similar circumstances in the Belagatti family the pension may be continued to the Consins of the last male holder.

4. In the above x Circumstances Govt are pleased ~~to reconsider the case to find~~ as a special case in modification of the supersession of the orders of 26.2.1932 passed in the case. which that the vacant stipend of Rs 63-8-10 be Registered and Continued in the name of Rangappagouda the eldest surviving member of the family with effect from 22.11.35. subject to approval

30/III
Financial Secy.

VK
To the Collector of Dharwar

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order Fl. 6729/B&A 129-32-4 dated 24/26th February 1932 directing that the pension of Rs.63-8-10 enjoyed by Jaganavva of the Belagutti Pallegar family should lapse to Government.

2. Petition received on 29th March 1935 from Rangapparajiah and other members of the Belagutti Pallegar family, praying for reasons explained for a reconsideration of the Government Order read above and requesting that the vacant stipend of Rs.63-8-10 may be continued in th name of Rangapparajiah, cousin brother of Thimmapparajiah, husband of the late Jaganavva.

Order No. Fe 4860 S.A. 305. 34-4

Dated, Bangalore, 2nd December 1935.

The previous records of the case show that the pension under disposal was originally granted to one Dasappa Naik (alias) Dasappa. He having been deprived of his pension owing to his absence without leave his pension was transferred to Mariappa in 1820. This Mariappa or Mariapparajiah was the nephew of Dasappa and is said to have been his son-in-law also. On the death of Mariapparajiah the pension devolved on his second son, Jaganapparaju in preference to the elder brother who was passed over as being incapacitated by disease.

2. After the death of Jaganapparaju the pension was granted to his son Thimmapparajiah (alias) Thirukapparajiah and was continued on his demise to his widow Jaganavva.

Jaganavva having died without issue on 13th August 1930 the pension was ordered to lapse to Government in the Government Order date 26th February 1932.

3. It will thus be seen that the transfer of pension to Mariapparajiah referred to above took place in 1820 and has been acted upon for over a century and the validity or otherwise of the transfer cannot be questioned at this distance of time. There is also no support for the

(43

view that the grant to Jaganavva was not for the benefit of the family. On the contrary although the pension was registered in the name of one person, all the members of the family appear to have enjoyed its benefits. It is also reported that though there are no direct heirs to the deceased Jaganavva there are cousins said to be living together amicably. In similar circumstances in the Belagutti family the pension has been continued to the cousins of the last male holder.

4. In the above circumstances, Government are pleased to direct as a special case in supersession of the orders dated 26th February 1932 passed in the case that the vacant stipend of Rs.63-8-10 be registered and continued in the name of Rangapparajiah the eldest surviving member of the family with effect from 22nd November 1935.

M. Shamanna

for Financial Secretary to Government.

To

The Comptroller to Government.

Appendix F G—1]

SUBJECT.....

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Pro draft

Section 5+A

File No. 305-34

Serial No. 5

Diary No. of letter replied to.....

No. 4811

To

To Mr Rangapparajiah and others of the Bolagutti palegar family Bolagutti Honnali Tal

General and Revenue Secretariat

( )

the 193 .

with reference to their petition & 29.3.35 praying for the continuance in ~~his favour~~ of the palegar pension of Rs 63-8-0 enjoyed by the late Jagannadha, the petitioners ~~Rangapparajiah is~~ are informed that Govt have passed orders in G.O. no 4810 of 4/12/35 sanctioning the continuance of the pension ~~to him~~ in the name of Mr. Rangapparajiah.

Date of issue..... 4/12

Signed by .....

B.O. No 3014/35-1 Financial Secy

List of enclosures.....

Copied by .....

4812

Examined by.....

copy to Comptroller wc